

1 **BOARD OF SELECTMEN MINUTES**
2 **APRIL 18, 2011**
3
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5 Chairman James O'Mara called the meeting to order at 6:30 p.m. Selectmen present: George Infanti,
6 Bruce Bowler, Thomas Grella and Dwight Brew. Also present: Town Administrator Gary MacGuire and
7 Executive Assistant Sharon Frydlo.
8

9 **Pledge of Allegiance**

10
11 Mr. O'Mara asked Mr. Bowler to lead them in the Pledge of Allegiance.
12

13 **Appointment**

14 **NHDOT Public Officials Meeting – Rehabilitation Along NH Route 101**
15

16 James Marshall, P.E. Chief of Final Design and his Associate met with the Board to explain that the same
17 construction that was done in Milford last year, will continue through Amherst this year. They explained
18 further that the project would begin approximately one half mile east of NH Route 13 and continues 4.5
19 miles east and ends one half mile east of the Baboosic Lake Road interchange. The project will
20 rehabilitate the pavement, including the interchange ramps, as well as rehabilitate seven bridges, upgrade
21 the guardrails and repair drainage. It will also continue the centerline rumble strips and install recessed
22 pavement markings. Due to the high traffic level, most of the paving would be done at night between
23 9:00 p.m. and 5:00 a.m. The speed limit would drop from 55 to 45 mph. After the paving is complete
24 markers and center line rumble strips will be installed.
25

26 Mr. Marshall indicated that the project was advertised on March 22, 2011, the bids have come in and
27 opened and will begin in July and completed by July 2012. The low bidder was Brox and will cost \$7.5
28 million dollars. Eighty percent is a Federal match and no funds would come from the Town. He asked
29 that the Board sign a Municipal Work Agreement that details a general understanding of what they will be
30 doing before they start the work. He will then have the Commissioner sign it. He told Mr. Grella that the
31 contractor will contact either the State or Local Police Departments. Mr. Grella asked if they were
32 responsible for the tree removal at the Baboosic Lake interchange. Mr. Marshall advised he was not
33 aware of this and it could be maintenance going on, rather than a design operation. Mr. Grella noted that
34 several people had called him and it seems to be clear cutting of large and smaller trees or a problem with
35 visibility going down the ramp to 101. Mr. Marshall explained he will get information on this back to
36 them within the next several days.
37

38 Mr. Bowler asked about the bridges. Mr. Marshall remarked that the project will probably go into next
39 year because of the number of bridges. There will be two lanes open, similar to last year. Mr. Infanti
40 asked if the on and off ramps will stay rough until next year. Mr. Marshall advised that there will be no
41 paving work this year. Mr. O'Mara thanked them very much for taking time to meet with them.
42

43 **Citizens' Forum**
44

45 There were no questions, comments or concerns at this time.
46

47 **Administrative Business**
48 **Minutes**
49

50 *Mr. Brew moved to approve the minutes of April 11, 2011, second by Mr. Bowler. Vote: 4-0-1, Mr.*
51 *Infanti abstained.*

52 **Approval of Accounts Payable Register**

53
54 ***Mr. Bowler moved to approve the Accounts Payable Manifest in the amount of \$124,103.34, second by***
55 ***Mr. Grella. Vote: Unanimous.***
56

57 Mr. O'Mara announced that it was his understanding that there was no Payroll Manifest. The Board met
58 last week and may miss this week's manifest.
59

60 *****
61

62 Liz Overholt apologized that she missed the Citizens' Forum because she was talking to Cabinet Reporter
63 Dean Shaloup about an article. She noted that on their recent trip down, South she saw a sign that read as
64 follows: "Litter Busters Phone Number to Call and Report xxx xxx-xxxx".
65

66 **Town Administrator Report**
67 **Recreation Department PMEC Facility Use Policy**
68

69 Mr. MacGuire advised that Recreation Director Nancy McMillan had been sick this past weekend and
70 took the day off. What was before the Board was a PMEC Facility Use Policy that had not been
71 presented to them before. Included was information on the hours of operation, available space and
72 amenities, scheduling and rates; liability coverage, etc. – basic use guidelines. This had not been done
73 before and he had no issues with it.
74

75 Mr. Infanti noted he had read the Policy and it was very thorough, clear and concise. He also thought the
76 it was well written, the rates more than fair and hopefully will bring them some use. Mr. Brew asked that
77 prior to this, have they rented it out before. Mr. O'Mara replied, yes. Mr. MacGuire was aware that it has
78 been used, but he was not sure of a cost factor involved. Kim Parrett, Recreation Chair advised they had
79 charged for groups to come out to PMEC. Wendy Rannenberg added that the Cooperative Extension
80 Service ran a class for an entire week and they have had some use for quite awhile. Mr. Brew mentioned
81 that he would like to bring in as much funding as they can, on the other hand, they are never going to be
82 able to raise enough through these fees to make a huge dent in what it would cost to maintain this facility.
83 Regarding Mr. Bowler's concerns, Mrs. Parrett noted that if there were any fee issues, people can always
84 contact Nancy or the Recreation Commission and there was a window of opportunity in this regard. Ms.
85 Rannenberg indicated they wanted groups to use the facility and these were guidelines rather than full
86 blown rules and regulations. She told Mr. O'Mara that she was sure Nancy had something to fill out
87 online, in order to use the facility.
88

89 Mr. O'Mara thought the Guidelines looked good and entertained a motion to strike the word "Draft" and
90 accept the Rental and Usage Guidelines, ***Mr. Infanti so moved, second by Mr. Bowler. Vote:***
91 ***Unanimous.***
92

93 **Authority to Declare DPW Pickup Trucks as Surplus**
94

95 Mr. MacGuire advised that DPW has two trucks that came off the road – one last fall and one this spring.
96 One is a 1997 Chevrolet 4x4 with 140,650 miles and the other a 2000 Chevrolet 4x4 with 143,433 miles.
97 Neither one would pass inspection as is and Director Berry was seeking permission to declare them
98 surplus and be put up for auction at the White Farm. ***Mr. Bowler so moved, second by Mr. Infanti.***
99 Discussion: Mr. O'Mara asked if there were any fees associated with this agreement with the State. Mr.
100 MacGuire did not have this information and in the past they did fairly well rather than putting them out to
101 bid themselves. The auction is fairly well attended and while the vehicles were not good for the Town,
102 they may be for someone else or good for parts. ***Vote: Unanimous.***

Discussion Items
Class VI Road Further Discussion

Mr. Brew noted that Gary had provided them with an estimate for a gate 12' wide installed at \$750.00 and one of the things the Board asked for last week. He also checked with Shelly Stama, after he had the number and she independently went out and came up with a similar one of around \$800.00. They mentioned there could be funds for this and she believed they would be interested in funding the entire amount, if this was where they wanted to go. He didn't think they were ready to go ahead and take a vote on this because there are quite a few Class VI roads in Town. This had caused him to think more about the abutters. He believed there were three parcels of land abutting against this road. He would like to make sure that all of the abutters had given them their input in what the Board was considering.

Mr. O'Mara agreed that they would have ramifications for all other Class VI roads throughout the community. Mr. Infanti remarked that his experience in Class VI roads, both for Planning Board and other Boards, is that they want to go slowly and they want to be clear about the Town's commitment. The Town doesn't want to share in the liability and problems and it made sense to have a gate and reflectors. Mr. O'Mara mentioned that there were a host of options available to citizens.

Mr. Bowler commented that last Tuesday, he and Tom went out to the area and took pictures that were displayed on the screen. They showed the Class VI road and the road leading to the Pulpit Run Association areas. Also displayed was a map showing many Class VI roads within the Town, that could impact a lot of potentially land locked areas. He also showed a picture of large boulders that had been placed across the road over the weekend. Mr. Brew talked about the land being cleaned up before Conservation put in the beaver diverter. He mentioned that in speaking with some homeowners, they were having problems with noise late at night and people taking motorcycles down the road. When he was there, he saw a 250 gallon oil tank that had been dumped. He had been told there were some rocks across the road and they had been moved to the side of it. Perhaps it was so a truck could come down it when they put in the beaver diverter. After he received an email, Mr. Bowler took some more pictures of what was there now. Mr. Infanti noted, for clarification, that the rocks in the road were illegal because it is a Class VI road. He had no problem with the Association doing whatever to their own land. Mr. Bowler mentioned that if they put up a gate, it can't be locked. He indicated he was fine with holding off until the next meeting to look to see what potential impact their decision would make on other roads.

Mr. MacGuire advised that the last issue they had was the Tracking Station and Mr. Bowler added that Remington Road has been there for a long time with similar issues. Mr. Infanti thought that whoever put the rocks there should remove them because it is a dangerous situation and he personally felt it was a liability to the Town. Mr. Bowler added, especially because they have the before and after photos. Mr. O'Mara commented that the person or persons who did this, has to remove them until the Selectmen come to some conclusion on how to proceed. They could allow the folks who did this a week to have them removed and if not done, they should follow through by having the Town move them.

Mr. Brew indicated that the Association was working with the Conservation Commission, however, they were not the right group to be dealing with and it should have been the Selectmen. He will bring this back in several weeks. He had a tax map and will send Gary a website address. He asked what additional information would the Board like to have, in order to act on this. Mr. Grella assumed that Town Meeting in the past took action to close roads subject to gates and bars. Mr. Brew believed the vote to turn it into a Class VI road mentioned that the Town wouldn't maintain it any longer. The Commission is looking to put together a plan concerning Class VI roads. There were some that had houses on them and used to access property in the back. Class VI roads were open 24 hours a day and there were other Class A and Class B trails. A Class A trail was subject to the guidelines the Board of Selectmen allow. They could have a house on a Class A trail, still subject to the Selectmen's rules and a Class B trail didn't allow for

any houses to be built. Mr. Bowler noted that in 1988, Town Meeting voted not to abandon Joppa Hill and not to abandon Old Mail Road from certain points and voted down both sides of Joppa Hill. Mr. Brew remarked that to convert from a Class A to a Class B, would require a March vote to go ahead and do this, He thought the Pulpit Run Association would want to conclude this during the summer schedule and he didn't know what the Conservation's schedule was for bringing this up with guidelines to present to the Board and were not that far into it.

Mr. Bowler suggested that through Gary, they should have him contact the Police Chief to step up the patrol and monitor what was going on in the area. After further discussion, Mr. O'Mara announced they will continue at one more meeting.

Board and Commission Interviews Sandra Fraser – Heritage Commission

Mrs. Fraser told the Board she lived in Town for 39 years and her husband and herself restored three different homes in the Village. She was also a member of the Questers and helped Caroline Quinn on the 250th Celebration. She has been on the Heritage Commission and would like to be considered again. Mr. Grella noted that Mrs. Fraser has been on for three years and attended almost all the meetings. ***Mr. Bowler moved to re appoint Sandra Fraser to 2013, second by Mr. Infanti. Vote: Unanimous.***

Gary Cole – Conservation Commission

Mr. Cole told the Board he was appointed to the Commission several years ago and had found it quite interesting. He also found it interesting with the idea of using Conservation land for the public good and for the citizens of Amherst and it was all very rewarding. The Commission has a great group of people to make things work. Mr. O'Mara informed Mr. Cole that they will let him know about his reappointment because they also have another person interested in serving.

Nancy Spears – Heritage Commission

Mrs. Spears told the Selectmen she has lived in Amherst for approximately 35 years and would like to continue her work on the Commission that she enjoys. Most recently she finished working on the 250th Anniversary Celebration and she has been interested in some projects that she would like to continue. ***Mr. Infanti moved to reappoint Nancy Spears to an alternate position, term to expire in 2014, second by Mr. Bowler.*** Discussion: Mr. Grella noted that Nancy has been on the Heritage Commission longer than Mary Mahar and usually they give the most senior alternate member the full position if someone stepped down. ***Vote: Unanimous.***

Daryl D'Angelo

Mrs. D'Angelo told the Board that they have not been in Town very long and moved here last year. The Town is everything she wanted to see in developing as carefully as possible and she had spent time coming to Amherst over the years. She loves everything about the Town and in keeping a balance of going forward, as well as keeping the beauty of the way it is. The biggest reason for moving here was to become involved. Mr. Bowler noted they also love new people and asked Mr. Brew how was the attendance at Commission meetings. He advised that frequently everybody is there or one member missing and don't usually have two or more members absent. Mr. O'Mara mentioned that Daryl is new and wanted to get involved. ***Mr. Infanti moved to appoint Daryl D'Angelo as an alternate, term to expire in 2014, second by Mr. Bowler. Vote: Unanimous.***

Mr. Bowler moved to appoint Gary Cole as a full member to 2014, second by Mr. Infanti. Vote: Unanimous.

Further Class VI Road Discussion

After catching the Board's discussion on ACTV20, Frank Stama, 9 Thistle Drive, came to the meeting to offer more input on the subject. He has lived in Amherst for 30 years. He explained that Pulpit Run is a PRD (Planned Residential Development) and has open land as part of their Association. What they are concerned about, is people driving motor vehicles and motorcycles down the road onto Conservation Land. They are trying to keep the vandals and people who want to start fires off of that road. Those boulders were there for over two years and put them back this weekend. They were trying as a neighborhood to cut off the turnaround as part of their property and give people the idea that they shouldn't be doing this. He understood the liability and it was his assumption that the low flat rocks came out of an old cellar. He guessed they were trying to do this in the best interest of the Town. What they were concerned about were people going there and doing the wrong things. This is starting to scare the neighbors and Rick Bremmer is a direct abutter to it. They were not looking for Police protection, but looking to be smarter about things. The Conservation Commission said let's put in a parking lot and this was not their issue, but rather their concern was vandals and arsonists. This weekend they put in the rocks, but they will move them. He didn't care if they made it a non-Class VI road or whatever, but they want access to the Conservation Land because Association members walk the land.

Mr. Bowler advised they told Gary to have the Police occasionally go down and look over the situation. People are driving down this road day and night and were seeing this at all hours. Mr. O'Mara asked what Mr. Stama would suggest. He indicated he didn't know what the options were. He heard there was an option to make it a trail and maybe get some type of locked gate, but didn't know if this was legal. There is a potential fire hazard and they never stop people from camping back there. Their ultimate goal is to get the non-official vehicles out of there. Mr. O'Mara noted that the issue for the Board is they don't have a way, if they intend any type of change from a Class VI road and it was not the Board's call without a Town Meeting vote. Mr. Stama asked how did they keep the non-vehicle traffic off the road. He mentioned that if he was a Town official, he wouldn't advise about giving the road back to the abutters. Mr. Bowler explained that Conservation also likes to do some selective cutting of the trees on their property.

Mr. Grella indicated that on the kiosk that Bruce and he saw, they had some rules and regulations posted. Mr. Stama mentioned he went to the Conservation Commission's meeting in February and this isn't their problem. Mr. MacGuire advised that the road still stays a public way, but not used as an entrance to a residence and there are restrictions once it becomes a Class A or B trail. Mr. Stama asked for advice on what the Association has to do. Mr. Infanti felt the simple thing to do was move the rocks and put up a sign indicating no motorized vehicles allowed and it will be policed. Mr. O'Mara agreed with having it policed and it probably was not ideal, but the only thing they can do at this point. Mr. Bowler suggested putting up two signs 10'-15' in from Horace Greeley.

Mr. O'Mara explained that if they were looking for advice, they should explore Class A trails and if Mr. Stama and the Association felt strongly enough, he suggested a petition warrant article that they want to change it from a Class VI to a Class V road. Mr. Bowler remarked that after hearing from Frank, the rocks should be moved, get some signs and have a Police presence out there. Mr. Brew added to also let him know because of this and other things came together, the Conservation Commission is working on some recommendation for Class VI roads to bring to the Selectmen, hopefully for adoption. Those recommendations may mean moving from Class VI roads to Class A trails. They will want to stay connected as this process completes itself. Mr. Stama said their goals were to have complete access to Conservation land and to restrict non authorized motorized vehicles.

Tom Wilson, 108 Horace Greeley, indicated one of his concerns and the biggest issue for them was the talk about having a parking lot and the egress and ingress. People who walk the road know that cars come down it at a brisk pace. He spoke about having a parking lot in another area. Mr. Stama mentioned they should get an opinion on whether or not an areas is safe enough to have a parking lot. Mr. Infanti noted that he and Tom talked about this concern and he had assured him at the time there probably will be more research done on this.

Mr. Bowler thought the counter should be down on the opposite side of where it is currently. He asked Mr. Wilson how much farther down does he own. He thought probably down 300'. He also appreciated the Board listening to his concerns. Mr. O'Mara thanked him for coming in.

Mr. Bowler moved that they install a sign with "no unauthorized motorized vehicles" at the beginning of the Class VI road off of Horace Greeley Road, second by Mr. Infanti. Discussion: Mr. Brew thought they should leave it up to Gary as to what they can legally do. **Vote: Unanimous.**

Board & Commission Interviews – Continued Mary Mahar – Heritage Commission

There was a brief conversation about Anne Krantz's suggestion that she step down as a full member and become an alternate to allow Mary to become a full member in her place. Mr. Bowler thought they should ask the most senior alternate, if they would like to move up and have the right of first refusal.

Mrs. Mahar told the Board they have finished a Historical Landmark Survey and she was interested in this whether she was an alternate or full member didn't really matter, because she was dedicated to the Commission. Mr. Grella explained that they canvassed 90% of the Town, Mary did a lot of the legwork and got the grant for the survey. Mary is a good member and think they should talk to Anne first. Mr. O'Mara noted all could be full members after reading the statute. He told Mrs. Mahar that they will straighten this out and get back to her. He volunteered to call Chairman Will Ludt.

Eileen Cavallaro –Amherst Farmers' Market

Mr. O'Mara asked if the Board had any questions. Mr. Infanti indicated everything was great and positive, but he heard only a complaint that once in awhile the sign wasn't taken down on time. Mrs. Cavallaro commented that since she was now a resident, she can be more prompt. Mr. Brew mentioned that one thing that caught his attention on the permit was No. 3 "Any four hours of operation between 2:30 p.m.-6:30 p.m. Was there any history of this. Mrs. Cavallaro explained it has always been 2:30 p.m. to 6:30 p.m. Set up is 1:30 p.m. and they were down by 6:45 p.m. Mr. Bowler remarked that at the very beginning they were allowed up to 20 vendors and currently have 14. She advised that they now have 14, but there were six more applicants. Mr. Infanti added that she usually gives them a list, but they needed to qualify under the State regulations. **Mr. Bowler moved to authorize the Farmers' Market to commence on May 5 to October 6, 2011, second by Mr. Grella. Vote: Unanimous.**

Town Skating Rink Water Issue

Mr. Bowler reported he met with Pennichuck Water and talked about flows and found out they didn't need to have the flows for what they were talking about. They were looking at less than \$3700 to put in a device so that a volunteer can put water on the rink or have the Fire Department come over. Mr. Infanti mentioned that \$2400 of it was for a backhoe. Mr. Bowler thought if Pennichuck broke a main, it would be cheaper for them to fix than if the Town broke a water main. They take a meter out in the spring and put it back in the fall. Mr. Grella noted that he spends between \$200-\$300 per winter. Mr. Infanti asked if they could fill it with a Fire Truck. Mr. Bowler explained to fill a Fire Truck it is free to the Town as

long as it is for fire protection. There was talk about expanding the rink in the future. He spoke about the liner getting cut and how it happened. Mr. Infanti indicated they were looking at a possible new liner and water services and where would the funds come from. Mr. Bowler advised this was something they would have to figure out. Mr. O'Mara would like specifications and possibly where they could get some money for the next meeting. Mr. Bowler suggested asking for a P.O. for this fiscal year. Mr. MacGuire thought it still a little early, as they all have seen what the gas prices are and not what they budgeted for. At the next meeting, they will be looking at their third quarter report and would like to hold off on the decision of where it would come from.

Action Items

Compile the Selectmen List of FY11 Goals

Mr. O'Mara suggested they compile their FY11 goals at the next meeting, since it will be a long conversation.

Accept Resignation of Recreation Commissioner Kim Parrett

Mr. Infanti moved to accept with regret, Kim Parrett's letter of resignation effective June 28, 2011, second by Mr. Brew. Vote: Unanimous. Mr. Infanti thanked her for the time she has spent on the Recreation Commission for the Town of Amherst.

Approve Veterans Tax Credits

After reading the recommendation from MRI, *Mr. Bowler moved to approve the Tax Credit in the amount of \$500 for M/L 5-41-1, second by Mr. Grella. Vote Unanimous.*

After reading the recommendation from MRI, *Mr. Bowler moved to approve the Tax Credit in the amount of \$500 for M/L 8-49-29, second by Mr. Grella. Vote Unanimous.*

After reading the recommendation from MRI, *Mr. Bowler moved to approve the Tax Credit in the amount of \$500 for M/L 1-35-32, second by Mr. Grella. Vote Unanimous.*

After reading the recommendation from MRI, *Mr. Bowler moved to approve the Tax Credit in the amount of \$500 for M/L 7-17-18, second by Mr. Grella. Vote: Unanimous.*

After reading the recommendation from MRI, *Mr. Bowler moved to deny the Tax Credit for M/L 8-51-4, second by Mr. Grella. Vote: Unanimous.*

Disabled Veterans Tax Credit

After reading the recommendation from MRI, *Mr. Bowler moved to approve the Disabled Veterans Tax Credit in the amount of \$1400 for M/L 5-85, second by Mr. Grella. Vote: Unanimous.*

Abatements

After reading the recommendation from MRI, *Mr. Bowler moved to approve an abatement in the amount of \$3069.95 for M/L 7-74, second by Mr. Grella. Vote: Unanimous.*

After reading the recommendation from MRI, *Mr. Bowler moved to deny an abatement for M/L 2-179-1, second by Mr. Grella. Vote: Unanimous.*

357 **Old Business**
358

359 Mr. Bowler reported that companies could purchase power outside of PSNH after bills are reviewed and
360 recommendations made on costs. There was a company trying to get the Town pricing. The School has
361 renewed their contract at a better rate. His company changed over a year ago. There was no cost to the
362 Town to get any quote, all they ask is to sign an authorization to get some numbers. He estimated he
363 probably saved \$40,000 by switching companies.
364

365 Mr. MacGuire told Mr. Brew that he thought they have limited it to major facilities and Director Berry
366 has done most of the work. The LGC also has done some work and pulled together their own group, but
367 he has not heard anything about an update on this. This would be another option. Mr. Brew thought this
368 made sense under any scenario. Mr. Bowler added that the School would use more than what the Town
369 would use. He uses between 110,000 to 120,000 kwh per month. ***A motion was made to authorize Mr.***
370 ***Bowler to execute a document in order to seek alternative electricity, second by Mr. Brew. Vote:***
371 ***Unanimous.***
372

373 Mr. Infanti reported there is a Planning Board meeting on Wednesday night.
374

375 Mr. O'Mara reported there will be a Recreation Commission meeting on the 19th and he will have
376 something for the next meeting.
377

378 Mr. MacGuire reported he had received notice today from Primex which is the vendor they purchase
379 health insurance from. The year coming up will be the last year they will have health insurance and will
380 be withdrawing from the public health insurance program and he will go out to bid. There are significant
381 players among the pools and will probably get a bid from Harvard Pilgrim as well.
382

383 With nothing further before the Board, ***Mr. Infanti moved to adjourn the meeting at 8:50 p.m., second***
384 ***by Mr. Brew. Vote: Unanimous.***
385

386 Respectfully submitted,
387

388
389 Sharon L. Frydlo
390 Executive Assistant